

REMARKS

In the Office Action dated December 5, 2003, claim 16 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. A typographical error in claim 16 has been corrected, and claim 16 therefore is supported in the specification in the embodiment shown in Figure 5.

The Examiner also objected to the specification as failing to provide proper antecedent basis for the subject matter of claim 14, lines 12-14, under 37 C.F.R. § 1.75(d)(1). In response, page 9 of the present specification has been editorially amended to include a paragraph tracking the aforementioned language in claim 14. Since this limitation in claim 14 is clearly shown in the drawings in each of Figures 3, 4 and 5, and therefore no new matter is added by including this language in the specification (nor by the previous submission of claim 14).

Claims 14, 15, 17 and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by Heid. The Examiner noted that this reference has a common inventor with the present application and stated it might be overcome either by a showing under 37 C.F.R. §1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application, and thus is not the invention "by another," or by an appropriate showing under 37 C.F.R. § 1.131.

According to Applicants' understanding of 37 C.F.R. §1.132, it is not applicable to the present situation where the present application has multiple co-inventors and the applied reference has a sole inventor who is one of the co-inventors of the present application. The purpose of a Declaration under 37 C.F.R. § 1.132 is to demonstrate that the disclosed but unclaimed subject matter in a reference

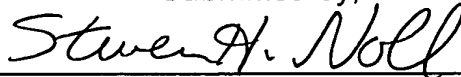
designating multiple co-inventors was, in fact, the invention of the sole inventor of an application against which the reference is being applied. The logic underlying 37 C.F.R. § 1.132 does not apply to the reverse situation of the present application.

Nevertheless, Applicants submit the Heid reference is not available as prior art against the subject matter of the present application because the Heid reference has an effective date for prior art purposes as of its United States filing date, which is December 7, 2001. The present application claims the benefit of convention priority under 35 U.S.C. §119 based on German application 10063087.1, filed in the German Patent and Trademark Office on December 18, 2000. A certified copy of the priority document was filed with the original application papers, and receipt of that certified copy was acknowledged in the June 2, 2003 Office Action. Applicants herewith submit a certified translation of the priority document to perfect Applicants' claim for convention priority under 35 U.S.C. §119.

Since the Heid reference is not available as prior art against the subject matter of the present application, and since the rejection under §112 of claim 16 has been overcome, all claims of the application are submitted to be in condition for allowance.

The present Amendment does not raise any new issues requiring further searching or consideration, and therefore is properly enterable after the final rejection. Entry of the present Amendment and reconsideration of the application and allowance of all claims thereof are therefore respectfully requested.

Submitted by,



(Reg. 28,982)

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